

## SENATE BILL No. 234

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-34-7; IC 34-30-2-85.9.

**Synopsis:** Student athletes and head injuries. Provides that the law concerning concussions and head injuries applies to student athletes in grades 5 through 12 who participate in interscholastic or intramural sports. (Current law provides that the law concerning concussions and head injuries applies to high school student athletes.) Requires all: (1) coaches and assistant coaches of any sport for student athletes; and (2) coaches and assistant coaches who coach football to individuals who are less than 20 years of age and are in grades 1 through 12; to complete certain certified coaching education courses. (Current law requires coaches and assistant coaches who coach football to individuals who are less than 20 years of age and are in grades 1 through 12 to complete certain certified coaching education courses.) Provides civil immunity for assistant coaches who comply with the training and who provide coaching services in good faith from damages as a result of a concussion or head injury incurred by an athlete. (Current law already provides civil immunity for coaches.)

**Effective:** July 1, 2016.

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January 7, 2016, read first time and referred to Committee on Family & Children Services.

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Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## SENATE BILL No. 234

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 20-34-7-1.7 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2016]: **Sec. 1.7. As used in this chapter, "student athlete" means**  
4 **any student who:**

- 5           **(1) attends a school;**  
6           **(2) is in grade 5, 6, 7, 8, 9, 10, 11, or 12; and**  
7           **(3) participates in any interscholastic or intramural sport,**  
8           **including cheerleading.**

9       SECTION 2. IC 20-34-7-3, AS ADDED BY P.L.144-2011,  
10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2016]: Sec. 3. Each year, before beginning practice for an  
12 interscholastic or intramural sport, a ~~high school~~ student athlete and the  
13 student athlete's parent:

- 14           (1) must be given the information sheet and form described in  
15 section 2 of this chapter; and  
16           (2) shall sign and return the form acknowledging the receipt of the  
17 information to the student athlete's coach.



1 The coach shall maintain a file of the completed forms.

2 SECTION 3. IC 20-34-7-4, AS ADDED BY P.L.144-2011,  
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2016]: Sec. 4. A ~~high school~~ student athlete who is suspected  
5 of sustaining a concussion or head injury in a practice or game:

- 6 (1) shall be removed from play at the time of the injury; and
- 7 (2) may not return to play until the student athlete has received a  
8 written clearance under section 5(a) of this chapter.

9 SECTION 4. IC 20-34-7-5, AS AMENDED BY P.L.34-2014,  
10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2016]: Sec. 5. (a) A ~~high school~~ student athlete who has been  
12 removed from play under section 4 of this chapter may not return to  
13 play until:

- 14 (1) the student athlete:
  - 15 (A) is evaluated by a licensed health care provider trained in
  - 16 the evaluation and management of concussions and head
  - 17 injuries; and
  - 18 (B) receives a written clearance to return to play from the
  - 19 health care provider who evaluated the student athlete; and
- 20 (2) not less than twenty-four (24) hours have passed since the  
21 student athlete was removed from play.

22 (b) A licensed health care provider who evaluates a student athlete  
23 under subsection (a) may conduct the evaluation as a volunteer. A  
24 volunteer health care provider who in good faith and gratuitously  
25 authorizes a student athlete to return to play is not liable for civil  
26 damages resulting from an act or omission in the rendering of an  
27 evaluation, except for acts or omissions that constitute gross negligence  
28 or willful or wanton misconduct.

29 SECTION 5. IC 20-34-7-6, AS AMENDED BY P.L.222-2015,  
30 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2016]: Sec. 6. (a) As used in this section, "football" does not  
32 include flag football.

33 (b) Prior to coaching football to individuals who are less than twenty  
34 (20) years of age and are in grades 1 through 12 **or in any sport for**  
35 **student athletes**, each ~~head football~~ coach and **any** assistant ~~football~~  
36 coach shall complete a certified coaching education course that:

- 37 (1) is sport specific;
- 38 (2) contains player safety content, including content on:
  - 39 (A) concussion awareness;
  - 40 (B) equipment fitting;
  - 41 (C) heat emergency preparedness; and
  - 42 (D) proper technique;



(3) requires a coach **or assistant coach** to complete a test demonstrating comprehension of the content of the course; and

(4) awards a certificate of completion to a coach **or assistant coach** who successfully completes the course.

(c) For a coach's **or assistant coach's** completion of a course to satisfy the requirement imposed by subsection (b), the course must have been approved by the department.

(d) A coach **and assistant coach** shall complete a course not less than once during a two (2) year period. However, if the coach **or assistant coach** receives notice from the organizing entity that new information has been added to the course before the end of the two (2) year period, the coach **or assistant coach** must:

(1) complete instruction; and

(2) successfully complete a test;

concerning the new information to satisfy the requirement imposed by subsection (b).

(e) An organizing entity shall maintain a file of certificates of completion awarded under subsection (b)(4) to any of the organizing entity's head coaches and assistant coaches.

(f) A coach **or assistant coach** who complies with this section and provides coaching services in good faith is not personally liable for damages in a civil action as a result of a concussion or head injury incurred by an athlete participating in an athletic activity in which the coach **or assistant coach** provided coaching services, except for an act or omission by the coach **or assistant coach** that constitutes gross negligence or willful or wanton misconduct.

SECTION 6. IC 34-30-2-85.9, AS ADDED BY P.L.34-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 85.9. IC 20-34-7-6 (Concerning coaches **and assistant coaches**).

